

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDJUAN C. SCOTT,

Plaintiff,

v.

VALLADALIS, *et al.*,

Defendants.

Case No. 1:20-cv-00752-NONE-BAM (PC)

ORDER DISMISSING ACTION WITHOUT
PREJUDICE FOR FAILURE TO PAY FILING
FEE AND FAILURE TO OBEY COURT
ORDER

(Doc. No. 8)

Plaintiff Edjuan C. Scott is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On June 15, 2020, plaintiff filed a motion to proceed *in forma pauperis* under 28 U.S.C. § 1915. (Doc. No. 5.) On June 17, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's application to proceed *in forma pauperis* be denied and that he be required to pay the \$400.00 filing fee in full to proceed with this action because he is subject to the three strikes bar under 28 U.S.C. § 1915(g) and the allegations in plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to § 1915(g). (Doc. No. 7.) Plaintiff did not file objections.

On July 16, 2020, the undersigned adopted the findings and recommendations in full and ordered plaintiff to pay the \$400.00 filing fee in full within twenty-one (21) days. (Doc. No. 8.) In that order, plaintiff was warned that failure to pay the filing fee within the specified time would

1 result in the dismissal of this action without further notice. (*Id.* at 2.)


2 The relevant time period for plaintiff to pay the filing fee has expired, and plaintiff has not
3 paid the filing fee or otherwise communicated with the court. Because plaintiff has failed to obey
4 the court's order and pay the appropriate filing fee, this case cannot proceed. This matter will be
5 dismissed. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61. (9th Cir. 1992).

6 Accordingly:

- 7 1. This action is dismissed, without prejudice, for plaintiff's failure to comply with the
8 court's order of July 16, 2020, (Doc. No. 8), and his failure to pay the filing fee; and
9 2. The Clerk of the Court is directed to terminate all pending motions and deadlines and
10 close this action.

11 IT IS SO ORDERED.

12 Dated: August 28, 2020

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14 UNITED STATES DISTRICT JUDGE